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9
10 **UNITED STATES DISTRICT COURT**
11
12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,

14 Case No. 2:23-mj-00360-NJK

15 Plaintiff,

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17 **STIPULATION TO CONTINUE**
18 **PRELIMINARY HEARING**
19 (Fourth Request)

20 ANDY PHOUPHAYRY,

21 Defendant.

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23 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
24 United States Attorney, and Edward G. Veronda, Assistant United States Attorney, counsel for
25 the United States of America, and Rene L. Valladares, Federal Public Defender, and
26 Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for Andy Phouphayry, that
the Preliminary Hearing currently scheduled on November 21, 2023, be vacated and continued
to a date and time convenient to the Court, but no sooner than sixty (60) days.

27 This Stipulation is entered into for the following reasons:

28 1. The parties have entered into a pre indictment plea agreement. To ensure both
29 parties get the benefit of the bargain, the parties request this Court continue the preliminary
30 hearing until after the change of plea.

31 2. The defendant is in custody and agrees with the need for the continuance.

1 3. The parties agree to the continuance.

2 4. The additional time requested herein is not sought for purposes of delay, but to
3 allow parties to negotiate. Additionally, denial of this request for continuance could result in a
4 miscarriage of justice.

5 5. The additional time requested by this stipulation, is allowed, with the
6 defendant's consent under the Federal Rules of Procedure 5.1 (d).

7 6. The additional time requested by this stipulation is excludable in computing the
8 time within which the defendant must be indicted and the trial herein must commence pursuant
9 to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under
10 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

11 This is the fourth request for a continuance of the preliminary hearing.

12 DATED this 20th day of November, 2023.

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14 RENE L. VALLADARES
15 Federal Public Defender

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17 JASON M. FRIERSON
18 United States Attorney

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20 /s/ *Benjamin F. J. Neme*
21 By _____
22 BENJAMIN F. J. NEMEC
23 Assistant Federal Public Defender

24
25 /s/ *Edward G. Veronda*
26 By _____
27 EDWARD G. VERONDA
28 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
ANDY PHOUPHAYRY,
Defendant.

Case No. 2:23-mj-00360-NJK

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for Tuesday, November 21, 2023 at 4:00 p.m., be vacated and continued to 4:00 p.m. on January 23, 2024, in Courtroom 3C.

Dated: November 20, 2023

UNITED STATES MAGISTRATE JUDGE